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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,712	12/10/2004	Roberto Dalla Valle	58009-019001	9144

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EXAMINER

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/517,712	DALLA VALLE, ROBERTO	
	Examiner	Art Unit	
	M. Safavi	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 12, 13, and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art process disclosed within the instant Background of the Invention in view of any of Baskin '030, Yukawa et al. '508, and United Kingdom reference 1,127,296, (UK '296).

As for **claim 10**, the instant Background of the Invention discloses as old and well known in the art the claimed invention except for the process of separating the second layer of polyethylene-coated paper from the panel by lifting and removing the second layer of polyethylene-coated paper "substantially in a single piece". However, each of Baskin '030, Yukawa et al. '508, and United Kingdom reference '296 teach application and utilization of a polyethylene sheet material forming a covering during a molding operation forming a stone material with subsequent removal of the polyethylene sheet. Each of Baskin '030 and Yukawa et al. '508 teach application to a resin stone-like material with subsequent removal substantially in a single piece while UK '296 describes use of a polyethylene coated paper in substantially a single piece, col. 4, line 61 of Baskin '030, col. 6, lines 55-67 of Yukawa et al. '508, and page 2, lines 46-48 of UK '296. Therefore, to have formed the synthetic resin stone-like sheet described within the instant Background of the Invention as by applying the polyethylene coated paper

sheet and subsequently removing the sheet in substantially a single piece, thus allowing for easy processing of the resulting artificial stone panel, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by any of Baskin '030, Yukawa et al. '508, and United Kingdom reference 1,127,296.

As for the recitation "polishing the panel to obtain an impermeable surface layer on the antique-look surface of the panel, the instant Background of the Invention discloses as old and well known the process of polishing an artificial stone material.

As for **claims 13 and 15**, the instant Background of the Invention discloses as old and well known the process of utilizing a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art process disclosed within the instant Background of the Invention in view of any of Baskin '030, Yukawa et al. '508, and United Kingdom reference 1,127,296, (UK '296), as applied to claims 10, 11, and 13-15 above, and further in view of any of Orsini '510, Rostoker '172, Sakai '458, and Hoesch '401 and further in view of either of Lemelson '905, and Ballhausen '474.

The process of forming a stone slab as realized by the instant Background of the Invention in view of any of Baskin '030, Yukawa et al. '508, and UK '296 does not particularly include a step of polishing the resulting stone as by grinding with titanium grinding wheels. However, each of Orsini '510, Rostoker '172, Sakai '458, and Hoesch '401 teach polishing of a synthetic stone-like slab as by grinding an outer surface

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thereof, (col. 4, line 45 of Orsini '510, col. 2, lines 11-13 of Rostoker '172, col. 8, lines 16-25 of Sakai '458, and col. 3, lines 15-17 of Hoesch '401), while either of Lemelson '905 and Ballhausen '474 teach as old and well known utilization of titanium grinding wheels for polishing natural or artificial stone elements, (col. 3, lines 10-13 and 24-28 of Lemelson '905 and col. 1, line 18-30 and col. 2, lines 2-10 of Ballhausen '474).

Therefore, to have subsequently polished the resulting synthetic stone panel of the modified process of the instant Background of the Invention, thus achieving an aesthetically accurate and pleasing appearance to the stone slab, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by any of Orsini '510, Rostoker '172, Sakai '458, and Hoesch '401 when further considering either of Lemelson '905, and Ballhausen '474.

Claim 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art process disclosed within the instant Background of the Invention in view of any of Baskin '030, Yukawa et al. '508, and United Kingdom reference 1,127,296, (UK '296), as applied to claims 10, 11, and 13-15 above, and further in view of any of Hare '224, Reed et al. '335, and Rottger et al. '953.

Though the instant Background of the Invention discloses as old and well known the process of utilizing a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene, each of Hare '224, Reed et al. '335, and Rottger et al. '953 teach application of polyethylene to a paper sheet as by spraying, (col. 3, lines 65-68 of Hare '224, col. 2, lines 16-20 of Reed et al. '335, and col. 1, line

67 to col. 2, line 6 of Rottger et al. '953). Therefore, to have utilized a polyethylene-coated paper sheet, which has been formed by coating the paper with sprayed polyethylene, thus realizing any and all advantages of such a coated sheet, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by any of Hare '224, Reed et al. '335, and Rottger et al. '953.

Response to Arguments

Applicant's arguments filed June 04, 2007 have been fully considered but they are not persuasive. With regard to Applicant's argument that "[n]one of the several cited prior art references discloses a use of the PE-coated paper for imparting to the outer surface of the slab or panel an antique-like appearance", The above rejections present a method of forming a slab of agglomerate stone including use of a polyethylene-coated sheet which is eventually removed from the formed slab "in substantially a single piece".

Either of Baskin '030 and Yukawa et al. '508 teaches application of a polyethylene-coated paper to a resin stone-like material with subsequent removal substantially in a single piece while UK '296 describes use of a polyethylene-coated paper in substantially a single piece. Otherwise, the recitation of "for imparting to the outer surface of the slab or panel an antique-like appearance" is directed to a presumed or desired result.

As for Applicant's argument that none of the prior art discloses a method of polishing the surface of the slab, the instant Background of the Invention discloses as old and well known the process of polishing an artificial stone material.

With regard to Applicant's arguments found on page 7 of the response, the rejections presented above set forth a method of forming a slab of agglomerate stone including use of a polyethylene-coated sheet which is eventually removed from the formed slab "in substantially a single piece". The recitation "leaving the panel with an antique-look surface" or "polishing the panel to obtain an impermeable surface layer on the antique-look surface of the panel" appears as desired result. The prior art shows or teaches the method steps recited in instant claims 10, 12, 13, and 15. Therefore, the applied prior art teaches a method as recited within instant claims 10, 12, 13, and 15 particularly, with the instant disclosure not presenting any procedural steps differing from those shown and taught by the applied prior art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



EXAMINER SAFARI

M. Safavi
August 14, 2007